

FILED

6/22/2022

Timothy W Fitzgerald

Spokane County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SPOKANE

NO. 22-2-02058-32

BRENT THOMAS DODSON as Personal  
Representative of the ESTATE OF SHEILA  
DODSON; NATALIE BROOKE BLYZES,  
individually; BRENT THOMAS DODSON,  
individually; JANE BRITTANY DODSON,  
individually; and MARY REBECCA OTTEN,

Plaintiffs,

v.

GREAT SPORTS, INC. an Illinois Corporation,  
d/b/a SAFERWHOLESALE.COM; JOHN  
DOES 1-10; and ABC CORPORATIONS 1-10

Defendants.

COMPLAINT FOR WRONGFUL  
DEATH AND PERSONAL INJURY –  
PRODUCT LIABILITY

COME NOW the plaintiffs, by and through their attorney of record, Brandon K. Batchelor  
of Russell and Hill, PLLC, and states and alleges as follows:

**I. PLAINTIFFS**

1.1 Sheila Dodson, the decedent, was a resident of Spokane County, Washington, at all  
relevant times herein. Ms. Dodson was injured, as outlined below, on August 10, 2021, in  
Spokane County, Washington. Ms. Dodson died on October 27, 2021, as a result of her injuries.

COMPLAINT FOR WRONGFUL DEATH AND  
PERSONAL INJURY – PRODUCT LIABILITY - 1

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3811-A BROADWAY  
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PHONE – (425) 212-9165  
FAX – (425) 212-9168

1           1.2     Brent Thomas Dodson was duly appointed Personal Representative of the Estate of  
2 Sheila Dodson in Spokane County Superior Court Cause No. 21-402614-32 on December 22,  
3 2021.

4           1.3     Natalie Brooke Blyzes is the natural daughter of Sheila Dodson. Ms. Blyzes was  
5 of the age of majority at the time of her mother's death. Ms. Blyzes is a resident of Texas.

6           1.4     Brent Thomas Dodson is the natural son of Sheila Dodson. Mr. Dodson was of the  
7 age of majority at the time of his mother's death. Mr. Dodson is a resident of Georgia.

8           1.5     Jane Brittany Dodson is the natural daughter of Sheila Dodson. Ms. Dodson was  
9 of the age of majority at the time of her mother's death. Ms. Dodson is a resident of Washington.  
10

11           1.6     Mary Rebecca Otten is the natural daughter of Sheila Dodson. Ms. Otten is a  
12 resident of Georgia.

## 13                                   II.     DEFENDANTS

14           2.1     Great Sports, Inc. is an Illinois Corporation, with physical business locations in  
15 Illinois and Florida. Great Sports, Inc. does business as SaferWholesale.com in Washington State.  
16 Great Sports, Inc. d/b/a SaferWholesale.com is, as it relates to this lawsuit, a designer,  
17 manufacturer, seller, and online retailer of goods.

18           2.2     John Does 1-10 and/or ABC Corporations 1-10 are individuals, employees, agents,  
19 associates, corporations, and/or entities who designed, manufactured, packaged, sold, marketed,  
20 and/or distributed the subject product whose true names and/or identities are currently unknown  
21 to the plaintiffs. Plaintiffs thereby include these unnamed defendants by fictitious names and will  
22 seek to amend this Complaint when the true names are ascertained.

23           2.3     Each Defendant named herein as a John Doe and/or ABC Corp. is responsible in  
24 some manner for the events and happenings referred to herein which proximately caused injury to  
25



1 plaintiffs as hereinafter alleged.

2       2.4 Hereinafter all aforementioned defendants are collectively referred to as  
3 “defendants.”

### 4                                   **III. JURISDICTION AND VENUE**

5       3.1 The Superior Court of Spokane County, State of Washington, has subject matter  
6 jurisdiction over this action pursuant to RCW 2.08.010.

7       3.2 Jurisdiction is proper in the State of Washington because the cause of action alleged  
8 herein arose out of activities (to wit, the transaction of business within the state and/or the  
9 commission of a tortious act within this state) within the State of Washington pursuant to RCW  
10 4.28.185.  
11

12       3.3 The Court has specific jurisdiction over the parties to this civil action because the  
13 subject incident occurred in this forum and Defendants have purposefully availed themselves of  
14 the privileges and benefits of doing business in Washington.

15       3.4. Defendant Great Sports, Inc. d/b/a SaferWholesale.com is subject to specific  
16 personal jurisdiction in this Court, pursuant to RCW 4.28.185, because it sold a defective and  
17 dangerous product to a resident of Washington state, and said dangerous and defective product  
18 caused injury and death as alleged herein.

19       3.5 Venue is proper in Spokane County, Washington pursuant to RCW 4.12.025  
20 because, at the time of her injury and death, plaintiff Sheila Dodson was a resident of Spokane  
21 County, Washington and the subject incident took place in Spokane County, Washington.  
22

### 23                                   **IV. FACTS**

24       4.1 Great Sports, Inc. d/b/a SaferWholesale.com is an online retailer who sells goods  
25 in Washington State.

1           4.2     On or about June 20, 2021, Great Sports, Inc. d/b/a SaferWholesale.com sold a  
2 1000W Electric Powered Tricycle Motorized 3 Wheel Trike Scooter Bicycle – Critter SLC  
3 (“Critter Trike”) to Sheila Dodson, a resident of Washington State. [The photo below depicts the  
4 Critter Trike and was copied from SaferWholesale.com.]



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17           4.3     The Critter Trike was marketed on an internet website to Sheila Dodson, a resident  
18 of Washington State.

19           4.4     The Critter Trike was shipped by Great Sports Inc. d/b/a SaferWholesale.com to  
20 Sheila Dodson’s residence in Spokane, Spokane County, Washington.

21           4.5     The Critter Trike was and is advertised on SaferWholesale.com as an adult tricycle  
22 that “can safely and smoothly get you where you need to go” with an “easy to operate design.”  
23 The Critter Trike is also advertised as “America’s favorite trike.”

24           4.6     The Critter Trike can be used by the operator in two separate modes. (1) It can be  
25 peddled by the rider to propel the vehicle forward, or (2) it can use a battery-powered electric  
COMPLAINT FOR WRONGFUL DEATH AND  
PERSONAL INJURY – PRODUCT LIABILITY - 4

**RUSSELL & HILL, PLLC**  
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1 motor to propel the vehicle forward.

2 4.7 When operated using the electric motor, the Critter Trike is front-wheel-drive, with  
3 a rechargeable lithium battery providing power to an electric motor located in the center of the  
4 front wheel of the vehicle. *[The photo below depicts the Critter Trike and was copied from*  
5 *SaferWholesale.com; the added yellow arrow points to the electric motor on the Critter Trike.]*



20  
21 4.8 Above the front wheel of the Critter Trike is a metal wire storage basket.

22 4.9 The storage basket is affixed to the handlebars of the Critter Trike.

23 4.10 The storage basket is also supported from below by a metal wire bracket that is  
24 mounted to the front fork of the bike. *The photo below depicts the Critter Trike and was copied*  
25 *from SaferWholesale.com; the added yellow arrow points to the wire support bracket under the*



1 *storage basket.]*



16 4.11 The storage basket is not affixed in any way to the supporting wire bracket. The  
17 storage basket, instead, merely sits atop the supporting wire bracket.

18 4.12. Before selling the Critter Trike to Sheila Dodson, Great Sports Inc. d/b/a  
19 SaferWholesale.com had actual knowledge that the wire bracket on the Critter Trike was not  
20 affixed to the front storage basket.  
21

22 4.13 On or about August 10, 2021, Sheila Dodson was riding her Critter Trike on a  
23 public street in Spokane, Spokane County, Washington.

24 4.14 While riding her Critter Trike using the battery powered electric motor, the wire  
25 support bracket on the front of her Critter Trike came loose from the underside of the front storage



1 basket, fell, and wrapped around the center hub of the front wheel of the Critter Trike. [The photo  
2 below depicts the front fork and front wheel of Sheila Dodson's Critter Trike after failure.]



15 4.15 The force of the failure broke the front wheel of Ms. Dodson's Critter Trike and  
16 folded the front fork Critter Trike.

17 4.16 The force of the failure also threw Ms. Dodson violently over the front handlebars  
18 and onto the roadway in front of her.

19 4.17 Ms. Dodson suffered serious injuries as a result of the failure of her Critter Trike.

20 4.18 Ultimately, Ms. Dodson succumbed to her injuries and she died as a result of them  
21 on October 27, 2021.

22 **V. CAUSE OF ACTION – STRICT PRODUCT LIABILITY**

23 5.1 At all times referenced herein, defendants were engaged in the business of  
24 designing, manufacturing, fabricating, assembling, distributing, selling, inspecting, retailing,  
25



1 wholesaling, and marketing Critter Trikes and the Critter Trike sold to Sheila Dodson.

2       5.2 Defendants are product sellers within the meaning of RCW 7.72.010(1) and sold  
3 the Critter Trike product that is the subject of this action to decedent Sheila Dodson. The Critter  
4 Trike product purchased and used by Sheila Dodson is a product within the meaning of RCW  
5 7.72.010 (3).

6       5.3 Under RCW 7.72.040(1)(a), as a seller of goods to the public, Defendants had a  
7 duty to use reasonable care in providing information and warnings to the users of the Critter Trike  
8 regarding dangers associated with the use of the Critter Trike of which defendants were aware, or  
9 through the exercise of reasonable care, should have been aware.

10       5.4 In violation of the Washington Product Liability Act, RCW 7.72 *et. seq.*, at the time  
11 the Critter Trike left control of Great Sports, Inc. d/b/a SaferWholeSale.com, it was defectively  
12 and not reasonably safe for reasons that include:

13       a. The Critter Trike was not reasonably safe in its design regarding the front  
14 basket and support bracket, resulting in the failure described herein;

15       b. The Critter Trike was unsafe to an extent beyond that which would be  
16 contemplated by Sheila Dodson, an ordinary consumer;

17       c. At the time of design and/or manufacture, the likelihood the Critter Trike  
18 would cause injury, death, or other damage similar to that suffered by Sheila Dodson, and the  
19 seriousness of such injury, death, or damage, outweighed the small burden on the designer or  
20 manufacturer to design a product that would have prevented Sheila Dodson's injuries and  
21 outweighed the adverse effect an alternative design that was practical and feasible would have on  
22 the usefulness of the Critter Trike;

23       d. The Critter Trike was not reasonably safe because adequate warnings or  
24  
25



1 instructions were not provided with the Critter Trike about the risks, dangers, and harms presented  
2 by the Critter Trike, as designed and manufactured.

3 e. The likelihood the Critter Trike would cause injuries similar to those of  
4 Sheila Dodson and the seriousness of those injuries rendered the warnings or instructions provided  
5 by defendants inadequate, and adequate warnings or instructions could have been provided.

6 f. Great Sports, Inc. d/b/a SaferWholesale.com expressly knew of the  
7 dangerousness of the design and/or manufacture defect of the Critter Trike outlined herein prior to  
8 selling the same to Sheila Dodson.

9  
10 5.5 Defendants are strictly liable because the Critter Trike did not conform to  
11 Defendants' express or implied warranties.

12 5.6 Defendants are strictly liable because the Critter Trike materially deviated from the  
13 design specifications or performance standards of the manufacturer, and materially deviated from  
14 otherwise identical units of the same product line, to an extent beyond which would be  
15 contemplated by the ordinary consumer.

16 5.7 Defendants conduct described herein was undertaken by its officers or managing  
17 agents, who were responsible for the design, manufacture, marketing, wholesaling, retailing,  
18 distributing, packaging, and warnings regarding use of the Critter Trike. The aforementioned  
19 conduct of said managing agents and individuals was therefore undertaken on behalf of defendants.  
20 Defendants had advance knowledge of the actions and conduct of these individuals whose actions  
21 and conduct were ratified, authorized, and approved by managing agents.  
22

## 23 VI. CAUSE OF ACTION – NEGLIGENCE PRODUCT LIABILITY

24 6.1 Defendants are product sellers within the meaning of RCW 7.72.010(1) and sold  
25 the Critter Trike product that is the subject of this action to decedent Sheila Dodson. The Critter

1 Trike product purchased and used by Sheila Dodson is a product within the meaning of RCW  
2 7.72.010 (3).

3 6.2 Under RCW 7.72.040(1)(a), as a seller of goods to the public, Defendants had a  
4 duty to use reasonable care in providing information and warnings to the users of the Critter Trike  
5 regarding dangers associated with the use of the Critter Trike of which defendants were aware, or  
6 through the exercise of reasonable care, should have been aware.

7 6.3 Defendants had a duty to use reasonable care to provide products which would be  
8 safe when used.

9 6.4 Defendants and/or their agents had express knowledge, or through the exercise of  
10 reasonable care, should have know the dangers of the Critter Trike. Despite this knowledge,  
11 defendants sold a Critter Trike to Sheila Dodson and failure to use due care to warn of the dangers  
12 of the Critter Trike.

13 6.5 Defendants knew or should have known its products would be purchased and used  
14 by consumers who expected the products to be safe. Defendants marketed its products specifically  
15 as being safe under the d/b/a SaferWholesale.com  
16

17 6.6 Defendants were negligent in failure to provide adequate warnings and instructions  
18 to users of the dangers associated with the Critter Trike.

19 **VII. CAUSE OF ACTION – CONSUMER PROTECTION**

20 7.1 Defendants' actions, as outlined above, violate RCW 19.86 *et. seq.* (Consumer  
21 Protection Act).

22 7.2 As outlined herein, Great Sports Inc. d/b/a SaferWholesale.com marketed and sold  
23 the Critter Trike to Sheila Dodson with express statements and implications that the product was  
24 safe, despite Great Sports, Inc. d/ab/a SaferWholesale.com's knowledge that it was not safe as  
25



1 designed or manufactured.

2 7.3 Great Sports, Inc. d/b/a SaferWholesale.com continue to market and sell Critter  
3 Trikes to the general public.

4 7.4 Sheila Dodson's purchase and use of the Critter Trike caused damage to her person  
5 and her property including, but not limited to, damage to personal property and economic damages  
6 incurred as a direct result of her injuries.

7 7.5 Sheila Dodson trusted and relied upon the express statements and implications from  
8 material she reviewed on Saferwholesale.com when purchasing the Critter Trike.

9 7.6 As a result of defendants' violation of the Consumer Protection Act, plaintiffs are  
10 entitled to recover reasonable attorney fees and costs incurred in the prosecution of this action and  
11 for exemplary damages authorized by RCW 19.86.090, including, but not limited to, treble  
12 damages.  
13

#### 14 **VIII. DAMAGES**

15 8.1 Defendants' actions as set forth herein, directly and proximately caused the harms  
16 and damages outlined herein to decedent Sheila Dodson, the Estate of Sheila Dodson, and the  
17 natural children of Sheila Dodson.

18 8.2 Plaintiff Sheila Dodson, by and through Brent Thomas Dodson, Personal  
19 Representative of her Estate, suffered economic and non-economic damages, including pre-death  
20 pain and suffering, disability, loss of enjoyment of life, and emotional trauma, in an amount to be  
21 proven at trial, including all damages as provided under RCW 4.20.010, RCW 4.20.020, RCW  
22 4.20.046, RCW 4.20.060, and RCW 19.86.090.

23 8.3 Natalie Brooke Blyzes, as the natural daughter of the decedent, suffered damages  
24 in an amount to be proven at trial, including the destruction of the parent-child relationship and all  
25 damages under RCW 4.20.010, RCW 4.20.020, RCW 4.20.046, and RCW 4.20.060.

1           8.4     Brent Thomas Dodson, as the natural son of the decedent, suffered damages in an  
2 amount to be proven at trial, including the destruction of the parent-child relationship and all  
3 damages under RCW 4.20.010, RCW 4.20.020, RCW 4.20.046, and RCW 4.20.060.

4           8.5     Jane Brittany Dodson, as the natural daughter of the decedent, suffered damages in  
5 an amount to be proven at trial, including the destruction of the parent-child relationship and all  
6 damages under RCW 4.20.010, RCW 4.20.020, RCW 4.20.046, and RCW 4.20.060.

7           8.6     Mary Rebecca Otten, as the natural daughter of the decedent, suffered damages in  
8 an amount to be proven at trial, including the destruction of the parent-child relationship and all  
9 damages under RCW 4.20.010, RCW 4.20.020, RCW 4.20.046, and RCW 4.20.060.

10                           **IX.     PRAYER FOR RELIEF**

11           WHEREFORE, plaintiffs' request that the Court enter judgment against the defendants,  
12 jointly and severally, including:

- 13           1.     For special and general damages in amounts to be proven at trial;
- 14           2.     For exemplary damages as authorized by statute;
- 15           3.     For costs and disbursements;
- 16           4.     For statutory attorney fees;
- 17           5.     If Defendants bring frivolous or unfounded defenses, for attorney fees and costs  
18 pursuant to RCW 4.84.185 and/or CR 11;
- 19           6.     For statutory interest on the judgment from the date of judgment is entered until  
20 paid in full;
- 21           7.     For prejudgment interest on liquidated damages;
- 22           8.     For such other and further relief as the Court may deem just and equitable.
- 23
- 24
- 25



1 DATED this 22nd day of June, 2022.

2  
3 

4 BRANDON K. BATCHELOR #42477  
Attorneys for Plaintiff

FILED

6/22/2022

Timothy W Fitzgerald

Spokane County Clerk

IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SPOKANE

BRENT THOMAS DODSON as Personal  
Representative of the ESTATE OF SHEILA  
DODSON; NATALIE BROOKE BLYZES,  
individually; BRENT THOMAS DODSON,  
individually; JANE BRITTANY DODSON,  
individually; and MARY REBECCA  
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v.

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Corporation, d/b/a  
SAFERWHOLESALE.COM; JOHN DOES  
1-10; and ABC CORPORATIONS 1-10,

Defendants.

NO. 22-2-02058-32

SUMMONS

TO THE DEFENDANTS:

A lawsuit has been started against you in the above-entitled Court by plaintiff. Plaintiff's claims are stated in the written Complaint, a copy of which is served upon you with this Summons.

In order to defend against this lawsuit, you must respond to the Complaint by stating your defense in writing, and serve a copy upon the person signing this Summons within 20 days after the service of this Summons, or within 60 days if this Summons was served outside of the State of Washington, excluding the date of service, or a Default Judgment may be entered against you

SUMMONS - 1

**RUSSELL & HILL, PLLC**  
3811-A BROADWAY  
EVERETT, WA 98201  
PHONE - (425) 212-9165  
FAX - (425) 212-9168



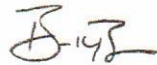
1 without notice. A Default Judgment is one where the plaintiff is entitled to what they ask for  
2 because you have not responded. If you serve a Notice of Appearance on the undersigned person,  
3 you are entitled to Notice before a Default Judgment may be entered.

4 You may demand that the plaintiff file this lawsuit with the Court. If you do so, the demand  
5 must be in writing, and must be served upon the person signing this Summons. Within 14 days  
6 after you serve the demand, the plaintiff must file this lawsuit with the Court, or the service on  
7 you of this Summons and Complaint will be void.

8 If you wish to seek the advice of an attorney in this matter, you should do so promptly so  
9 that your written response, if any, may be served on time.

10 THIS SUMMONS is issued pursuant to Rule 4 of the Superior Court Civil Rules of the  
11 State of Washington.

12 DATED this 22nd day of June, 2022.


13  
14 

15 BRANDON K. BATCHELOR #42477  
16 Attorneys for Plaintiff  
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**FILED****JUNE 22, 2022**Timothy W Fitzgerald  
Spokane County Clerk

(Copy Receipt)

Clerk's Date Stamp

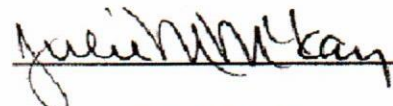
 <p><b>SUPERIOR COURT OF WASHINGTON</b> <b>COUNTY OF SPOKANE</b></p>	<p><b>JUDGE TIMOTHY B. FENNESSY 94</b></p>
<p>DODSON, BRENT THOMAS ETAL</p> <p><b>Plaintiff(s)/Petitioner(s),</b> <b>vs.</b> GREAT SPORTS INC</p> <p><b>Defendant(s)/Respondent(s).</b></p>	<p><b>CASE NO. 22-2-02058-32</b></p> <p><b>CASE ASSIGNMENT NOTICE AND ORDER (NTAS)</b></p> <p><b>CASE STATUS CONFERENCE DATE:</b> <b>SEPTEMBER 23, 2022 AT 8:30 AM</b></p>

**ORDER**

YOU ARE HEREBY NOTIFIED that this case is preassigned for all further proceedings to the judge noted above. **You are required to attend a Case Status Conference before your assigned judge on the date also noted above. The Joint Case Status Report must be completed and brought to the Status Conference. A Case Schedule Order, with the trial date, will be issued at the Status Conference.**

Under the individual calendar system, the court will operate on a four-day trial week. Trials will commence on Monday, Tuesday, Wednesday or Thursday. Motion Calendars are held on Friday. All motions, other than ex parte motions, must be scheduled with the assigned judge. Counsel must contact the assigned court to schedule motions and working copies of all motion pleadings must be provided to the assigned court at the time of filing with the Clerk of Court. Pursuant to LCR 40 (b) (10), motions must be confirmed no later than 12:00 noon three days before the hearing by notifying the judicial assistant for the assigned judge.

Please contact the assigned court to schedule matters regarding this case. You may contact the assigned court by phone, court department e-mail or through the Spokane County Superior Court web page at <https://www.spokanecounty.org/4625/Superior-Court>

**DATED: 06/22/2022**

JULIE M. MCKAY  
PRESIDING JUDGE**NOTICE: The plaintiff shall serve a copy of the Case Assignment Notice on the defendant(s).**



IN THE SUPERIOR COURT OF THE STATE OF WASHINGTON  
IN AND FOR THE COUNTY OF SPOKANE

BRENT THOMAS DODSON as Personal  
Representative of the ESTATE OF SHEILA  
DODSON; NATALIE BROOKE BLYZES,  
individually; BRENT THOMAS DODSON,  
individually; JANE BRITTANY DODSON,  
individually; and MARY REBECCA OTTEN,

Plaintiffs,

vs.

GREAT SPORTS, INC. an Illinois Corporation,  
d/b/a SAFERWHOLESALE.COM; JOHN  
DOES 1-10; and ABC CORPORATIONS 1-10,

Defendants.

NO. 22-2-02058-32

NOTICE OF APPEARANCE OF  
DEFENDANT GREAT SPORTS, INC.

COME NOW Defendant Great Sports, Inc., d/b/a Saferwholesale.com, and hereby enters  
an appearance in the above-entitled action through Timothy E. Allen, Matt Halldorson, and Mullin,  
Allen & Steiner, PLLC, attorneys of record, and request that all further pleadings herein, exclusive  
of process, be served upon said attorneys at the following office address:

Mullin, Allen & Steiner PLLC  
101 Yesler Way, Suite 400  
Seattle, WA 98104

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//

//

1 DATED this 13<sup>th</sup> day of July 2022.

2 MULLIN, ALLEN & STEINER PLLC

3  
4 /s/ Timothy E. Allen

5 Timothy E. Allen, WSBA #35337

6 Matt Halldorson, WSBA # 51850

Attorneys for Defendants Great Sports, Inc.

7 **CERTIFICATE OF SERVICE**

8 I hereby certify that I caused to be served a true and correct copy of the foregoing upon  
9 counsel as follows:

10 **Plaintiff's Counsel:**

11 Brandon K. Batchelor, WSBA #42477

12 Russell & Hill, PLLC

3811-A Broadway

Everett, WA 98201

(425) 212-9165

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[brandon@russellandhill.com](mailto:brandon@russellandhill.com)

- 13 ■ Via U.S. Mail
- 14 ■ Via Email
- 15 □ Via Legal Messenger
- 16 □ Via Fax
- 17 □ Via Overnight Delivery

18 I declare under penalty of perjury under the laws of the State of Washington that the  
19 foregoing is true and correct.

20 DATED this 13<sup>th</sup> day of July 2022.

21 /s/ Emily Boehmer

22 Emily Boehmer, Paralegal